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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 HILLARY WALLS,

8 Plaintiff,

9 v.

10 PAUL PASTOR, CHAD DICKERSON, and
11 JOHN DOE OFFICERS 1-3,

Defendants.

No. C12-5183 RBL/KLS

ORDER DENYING PLAINTIFF'S
MOTION FOR LEAVE TO FILE AN
AMENDED COMPLAINT

12 Before the Court is Plaintiff's Motion for Leave to File an Amended Complaint. ECF
13 No. 11. Also before the Court is Defendants' Motion to Dismiss. ECF No. 17. Plaintiff seeks
14 to amend his complaint to drop his claims against Defendants in their "official capacities"
15 because he has learned that "neither the state nor its officials acting in their official capacities are
16 persons" who can be held liable under 42 U.S.C. 1983. ECF No. 11.

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18 While the Court would normally allow Plaintiff to amend his complaint to drop his
19 official capacity claims, the proposed amendment does not address the issues raised in the
20 pending motion to dismiss. In a separate Report and Recommendation, the undersigned
21 discusses deficiencies in Plaintiff's complaint and recommends to the District Court that Plaintiff
22 be given an opportunity to amend his complaint to cure those deficiencies. When Plaintiff
23 submits his amended complaint, Plaintiff may simply omit any claims against Defendants in their
24 "official capacities". Therefore, Plaintiff's current motion to amend shall be denied at this time.
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1 It is, therefore, **ORDERED:**

2 (1) Plaintiff's motion to amend (ECF No. 11) is **DENIED.**

3 (2) The Clerk shall send a copy of this Order to Plaintiff and to counsel for
4 Defendants.

5 **DATED** this 20th day of June, 2012.

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9 Karen L. Strombom
United States Magistrate Judge